

#### **REMARKS**

As a preliminary matter, applicants acknowledge with appreciation the Examiner's indication that claims 1-14, 23-28, and 38 are free of art and therefore allowable.

#### **THE CLAIM AMENDMENTS**

Rejected claims 30-33, 35, 36, and 40-44 have been cancelled. In light of the cancellation of these claims, after entry of this amendment, no pending claims will be under rejection and consequently, this application will be in condition for allowance. Notwithstanding the foregoing, applicants are addressing each of the Examiner's rejections independently below in order to be fully responsive to the Office Action under reply.

#### **CLAIM OBJECTIONS**

The Examiner has objected to claim 44 as reciting an "and" instead of an "or" between the two features of the claim. With the cancellation of this claim, this rejection is rendered moot; accordingly, applicants respectfully request reconsideration and withdrawal of this rejection.

#### **CLAIM REJECTION – 35 U.S.C. § 112, SECOND PARAGRAPH**

Claim 44 stands rejected under 35 U.S.C. § 112, second paragraph, as indefinite for lacking sufficient antecedent basis. With the cancellation of claim 44, this rejection is rendered moot; accordingly, applicants respectfully request reconsideration and withdrawal of this rejection.

#### **CLAIM REJECTIONS – 35 U.S.C. § 103(a)**

Claims 31, 33, and 40-43 stand rejected under 35 U.S.C. § 103(a) as obvious over Fischer et al. in view of Cazzola et al., WO 94/04148, Notario et al. and Barbier et al. In light of the cancellation of claims 31, 33, and 40-43 this rejection is rendered moot; accordingly, applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 30, 32, 35, 36, and 44 stand rejected under 35 U.S.C. § 103(a) as obvious over Fischer et al. in view of Cazzola et al. and WO 94/04148, Notario et al. and Barbier et al. as applied to claims 31, 33, and 40-43 and further in view of the American Drug Index and Goodman & Gilman's. In light of the cancellation of claims 30, 32, 35, 36, and 44 this rejection is rendered moot; accordingly, applicants respectfully request reconsideration and withdrawal of this rejection.


**CONCLUSION**

As the amendments presented herein serve only to place this application in condition for allowance, this response is a proper response under 37 C.F.R. § 1.116. Because there will be no outstanding issues for this application upon entry of this amendment, applicants respectfully request reversal of all claim objections and rejections and passage of this application to issue.

If the Examiner has any questions regarding this response that may be addressed by way of a phone call or e-mail communication, she is welcome to contact the undersigned attorney at 650-330-4913 or at [canaan@reedpatent.com](mailto:canaan@reedpatent.com).

Respectfully submitted,

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